

Prime Contractor M/WBE Participation Plan Drafting Guidelines

Initiative 200, which passed in 1998, banned the preferential treatment of Minority and Women's Business Enterprises in public contracting and procurement. Initiative 200 did not eliminate affirmative action or prohibit the outreach and recruitment efforts required to utilize Minority and Women's Business Enterprises. Moreover, Governor Locke's 98-01 and Governor Gregoire's July, 2006 Directives require outreach and technical assistance to Minority and Women's Business Enterprises in public contracting and procurement. In an effort to increase M/WBE utilization by the Washington State Department of Transportation (WSDOT) Prequalified Prime Contractors are required to submit M/WBE Participation Plans with all state funded contracts.

Information similar to this is required from all prime contractors bidding on design-build and other alternative public works processes. To be fair to all WSDOT construction contractors, the M/WBE Participation Plan is now required to be submitted before work begins. Following are some questions and statements to assist your firm in developing an effective M/WBE Participation Plan.

1. What is the statement of commitment from the owner?

Owner/designee signature

2. What is the mission of the plan?

To ensure Minority and Women's Business Enterprises are give the maximum practicable opportunity in WSDOT construction projects. This will be accomplished by normal business practices and by subcontracting normally self-performed bid items.

3. Who will have the authority and responsibility to implement and monitor the plan? For example:

- a. Executive(s)
 - Job title(s)
 - Duties and obligations per the plan
- b. EEO/Affirmative Action Officer(s)
 - Duties and obligations per the plan
- c. Estimators(s)
 - Duties and obligations per the plan
- d. Marketing/Sales Coordinator(s)
 - Duties and obligations per the plan

- e. Outreach/training: Who will assist M/WBEs in bidding/estimating/proposal process, if not done by persons otherwise identified? The Office of Minority and Women's Business Enterprises (OMWBE) can assist your firm with delivering outreach and training.
 - Job title
 - Duties and obligations per the plan
4. What strategic approaches and methodology will your firm take to ensure maximum participation by M/WBEs? Following are suggestions, which have proven to be effective:
- a. Personally invite M/WBEs to attend pre-bid meetings and walk-throughs in which your firm is going to attend and/or bid.
 - b. Send requests for subcontractors to M/WBEs using the Directory of Certified Firms available at www.omwbe.wa.gov. If you are having difficulty using the Directory to find M/WBEs, contact OMWBE at 360 704-1180.
 - c. Broaden your firm's base of subcontractors by:
 - i. Hosting targeted outreach events for M/WBEs.
 - ii. Subcontracting opportunities which your firm would normally self-perform.
 - iii. Create small subcontractable bid items which allows for maximum participation and competition amongst M/WBEs.
 - iv. Posting opportunities (i.e. requests for subcontractors) in ethnic newspapers.
 - d. Call, mail, and fax M/WBEs and ask them to bid on projects, giving the firms adequate time and information to respond.
 - e. Request OMWBE to post subcontracting opportunities on their website.
 - f. If subcontractors you work with seem eligible for certification (51% legitimately owned and controlled by a minority or woman) recommend the firm become certified.
 - g. Solicit bids from as many M/WBEs as possible. If firms are repeatedly non-responsive and/or non-competitive, provide the names of the M/WBEs to WSDOT, Office of Equal Opportunity for follow-up and assistance.
 - h. Publish and distribute estimator and construction management personnel contact information.
 - i. Provide informational/assistance meetings with M/WBEs.
 - j. Provide adequate staff to administer the M/WBE Participation Plan.
5. Staff Training:
- a. Identify who will communicate the policy and procedures to **all** relevant staff.
 - b. Identify who will need to be trained and on what topics. WSDOT, Office of Equal Opportunity can be of assistance with these training.
6. What will your firm's process be for monitoring and ensuring prompt payment to subcontractors? Who will be responsible for ensuring prompt payment?
7. How will your firm handle disputes? Who will be in charge of handling the disputes?
8. M/WBE subcontractor payment data needs to be reported to WSDOT, at minimum, every quarter. Who within your organization will be responsible for reporting M/WBE subcontractor payments?

9. How will your firm change its subcontractor prequalification forms and similar documents to allow for the maximum number of M/WBE participants?
 - a. Determine if it is necessary to require “length of time firm/principals have been in business” or is “time of work in field” sufficient?
 - b. Eliminate unnecessary information from the subcontractor prequalification form (e.g. redundant financial statements, require only recent safety information, etc.)
 - c. Consider having more than one individual review subcontractor bid responses.
10. How will your firm monitor its progress and adjust its strategy as necessary? The plan should include a schedule for periodic review (e.g. semi-annually, annually) and submitted to WSDOT for review.
11. What other measurable steps will your organization take to increase M/WBE utilization? Identify who will be responsible for these measures.

NOTE: throughout the plan, list only the title of individuals, except for the owner.